

Remarks

Preliminary Matters

No claims have been added. No fee is due. If the Office disagrees, Applicants ask that Deposit Account No. 07-1077 be charged for the amount.

Objection to Drawings and §112, First Paragraph Rejections of Claims 4, 6, and 8

To place the application in condition for allowance or appeal, Applicants have canceled Claim 4. It is believed that cancellation of Claim 4 obviates the objection to the Drawings and the §112, First Paragraph Rejection of Claims 6 and 8, now depending from Claim 1.

§112, Second Paragraph Rejections of Claims 1, 4, 6, and 8

The Office objected to Claim 1, lines 12-14 (now stricken as lines 14-16 in the pending claim). Because that text has been deleted, the rejection is satisfied.

The Office objected to Claim 4, lines 8 and 10. Because Claim 4 has been canceled, the rejection is satisfied.

Explanation of Amendment to Claim 1

To place the application in condition for allowance or appeal, Applicants have amended their Claim 1 to concentrate that claim on the embodiment of the wall panel seen in Fig. 6, reproduced here for convenience.

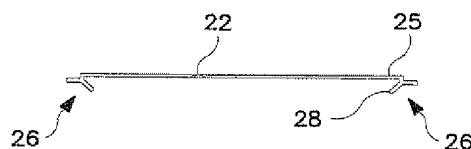


FIG. 6

The Office is also directed to the Listing of Reference Numerals at Pages 39-40 of the application, in which Item 22 in Fig. 6 is identified as “wall panel”; Item 25 is identified as “wall panel end”; Item 26 is identified as “male engagement portion”; and Item 28 is identified as “fin.”

The amendments to Claim 1 use these terms, reflecting correlation and support of the specification and the drawings for Claim 1, as amended.

Claim 1 emphasizes that the wall panel *consists of* a single substantially flat wall, two ends, and a male engagement portion on each end. Claim 1 emphasizes that each male engagement portion *consists of* a fin. Both fins extend from a single side of the wall panel. Both fins are adapted to engage a matching female engagement portion on an octagonal tubular form element.

Fig. 6, seen in conjunction with Fig. 7, illustrates what Claim 1 covers. The text of the specification at Page 14, Line 12 et seq. describes and supports what Claim 1 covers with respect to what is illustrated in Fig. 6. “Substantially flat wall” is defined on Page 15, Line 22 et seq. That both fins extend from the same side of the wall panel is explained on Page 5, Line 29.

§102(b) Rejection of Claims 1, 6, and 8 using U.S. Pat. No. 5,860,262 (Johnson)

Applicants appreciate the annotated Fig. 16 provided by the Office because it shows that Johnson does not have “fins” at opposing ends of Item 150. Also, Applicants’ fins extend from a single side of the wall whereas Items 58 and 58’ extend from the ends of Item 150, not a single side of the wall. And Items 58 and 58’ are not in the shape of “fins” as Applicants have used that word with respect to their element 28 as seen in Fig. 6.

§102(b) Rejection of Claims 1, 6, and 8 using U.S. Pat. No. 5,740,648 (Piccone)

Applicants also appreciate the annotation of Fig. 7 of Piccone because it shows that Piccone has Items 98 and 100 on Structure 96, whereas Applicants’ claimed wall panel has a substantially flat wall with *only* a fin at each end, extending from a single side of the wall panel. Applicants do not want and do not claim any structure other than

the substantially flat wall and the fins extending from a single side of that wall panel. Please see Fig. 6. Moreover, neither the structure of Piccone's Item 102 nor Item 104 is a fin as Applicants use that word and illustrate it in Fig. 6. To have Items 102 and 104 on Applicants' wall panel would disrupt the "substantially flat wall."

§102(b) Rejection of Claims 1, 6, and 8 using U.S. Pat. No. 6,167,669 (Lanc)

Applicants also appreciate the annotation of Fig. 1 of Lanc because Lanc has Items 16 and 28 in the middle of their structure, whereas Applicants' wall panel consists only of a substantially flat with structure extending from a single side of the wall at opposing ends. Applicants do not want and do not claim any structure, other than at the ends of the wall panel, to extend from wall panel. To have Items 16 and 28 on Applicants' wall panel would disrupt the "substantially flat wall."

§102(b) Rejection of Claims 1, 6, and 8 using U.S. Pat. No. 5,216,863 (Nessa)

Applicants also appreciate the annotation of Fig. 1 of Nessa because Nessa has a multi-sided wall – 8 sides in all, whereas Applicants' claimed wall panel consists of *one* substantially flat wall, not eight of them. Also, both Items labeled 3 would disrupt the substantially flat wall Applicants claim.

Structure of the Claimed Wall Panel as Related to Its Purpose

Viewing Fig. 6 again, Applicants emphasize that their claimed wall panel consists only of one substantially flat wall with fins extending from the same side of that wall at opposing ends. No structure between the extended fins is needed or desired, because the purpose of the claimed wall panel of Claim 1 is to link with two adjoining octagonal form elements as seen in Fig. 7 at the mating slots of those octagonal form elements. None of the four references by the Office are structured to have fins extending from a single side of an otherwise substantially flat wall at opposing ends of that wall panel. Applicants' Claims 1, 6, and 8 are novel over Johnson, Piccone, Lanc, and Nessa.

Supplemental Information Disclosure Statement

The undersigned submits for consideration by the Office a copy of an abandoned Norwegian patent application, laid open on June 24, 2002, and a photocopy of a photo of a prototype asserted by the author of the patent application to have been shown, used, or offered for sale in countries including the United States after December 21, 2000 and before the filing of this patent application. There is no corroboration to the assertion, especially as to when such USA activity may have occurred. For purposes of this examination, the undersigned requests this supplemental information be considered as prior art, even if less relevant to the pending claims than other references of record.

During EFS-Web, the undersigned has made payment for consideration of this supplemental information.

Update on Copending U.S. Patent Application Serial No. 10/531,621 for "Concrete Fillable Formwork"

In Applicants' Information Disclosure Statement of September 12, 2005, Applicants identified Application '621 as also filed by Applicants. Both this application and that Application '621 claim priority from the same Provisional Patent Application 60/419,469.

Application '621 with claims directed to the elongated octagonal tubular form element with female engagement portions has been examined, and Applicants have responded on December 23, 2008 to Examiner J. Buckle, Jr. with amendments and remarks to overcome rejections using U.S. Pat. No. 5,216,863 (Nessa et al.) of record in this application and EP 0 244 851 (Strabag). The response of December 23, 2008 included claim amendments which introduced into Claim 1 the adaptability of the claimed octagonal form element to create a flat surface arrangement when engaging an insert panel (re-named wall panel in this application) using T-shaped fins. Claim 2 added a second form element and the insert panel in combination.

The response also addressed a telephonic interview with Examiner Buckle, Jr. and Examiner Glessner conducted the previous Friday, during which the undersigned identified (again) the existence of this patent application.

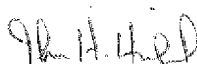
Applicants chose to pursue two separate patent applications, one for the wall panel of this application and the other for the tubular form elements, for reasons unrelated to patentability. Applicants reserve the possibility of filing a continuation application to claim the united structure of insert panel on adjoining tubular form elements in addition to present Claim 2 and its dependents in Application '621.

The Office is encouraged to arrange Examiners Safavi and Buckle, Jr. to review each other's examination activities, using PAIR and other mechanisms, and contact the undersigned with any questions either may have.

Conclusion

Applicants request a Notice of Allowance for Claims 1, 6, and 8. Because this is a Request for Continued Examination under non-final rejection, it is hoped that the Office will contact the undersigned if there are any matters preventing the mailing of a Notice of Allowance.

Respectfully submitted by:



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